



AVIGATION EASEMENTS

What they
mean for
the property
owner and
the airport

Who pays the cost of removing easement obstructions?

For trees existing when the easement was acquired - **the airport.**

For trees planted after the easement has been granted that have grown so high as to violate the allowed heights - **the land owner.**

For objects (buildings, antennas, etc.) erected by the land owner violating the allowed heights - **the land owner.**



Uses of underlying land

These easements may permit use or occupation of the underlying land for certain land uses, such as cropping or livestock farming and related agricultural activities as may be stated in the easement. Specific land uses may be prohibited such as land uses attracting birds or other wildlife which could pose a hazard to aircraft.

Legal and enforceable features of easements

Avigation easements are deemed a property right and to be valid and enforceable, must be recorded by the local county Register of Deeds.



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What is the purpose of easements?

To prevent objects from endangering the safe flight of aircraft landing or taking off from the airport.

What is an aviation easement?

It is a property right acquired from a land owner that grants the right-of-flight; the right to cause noise, dust, etc., related to aircraft flight; the right to restrict or prohibit certain lights, electromagnetic signals and bird-attracting land uses; the right to unobstructed airspace over the property above a specified height and the right of ingress/egress upon the land to exercise those rights.

What is a clear zone easement?

A clear zone easement is a property right purchased from a land owner that grants the above aviation easement rights and also grants the right to prohibit the placement of improvements or erection of objects (buildings, signs, towers, power poles, trees or other than



low-growth vegetation) upon the property. Normal farming activities are usually permitted (crops and grazing.)

Who are the parties to such easements?

Grantor - the land owner of the underlying land over which the easement right is purchased.

Grantee - the holder of those easement rights, usually the airport owner.

How are such easement rights valued?

For any property rights acquired under Wisconsin State Statute 32, Eminent Domain, aviation easements must be appraised for value and compensation paid for such rights.

The compensation paid to the land owner for such rights must be based on the fair market value (FMV) of the property "before" the easement rights are considered compared to FMV of the property "after or as if" the easement rights are applied. The difference between the "before" and "after" value of the property is the value of the easement.

Easement rights and obligations

Is the land owner responsible for topping or clearing trees that are obstructions to the easement airspace?
No, the airport must top or clear such trees at its own cost.

Who initiates the effort to clear obstructions or top or clear trees? *The airport owner is responsible for identifying and arranging for the removal of obstructions.*



How should clearing obstructions be done? *The airport should regularly check for obstructions and contact the land owner to arrange for a convenient time to conduct on-site surveys to verify the existence of obstructions. The airport will also arrange for the least burdensome obstruction removal and assess and pay the land owner for any damage caused by such removal.*

As land owner, do I have a say in whether my tree(s) are topped or cut down? *It depends on the easement. You and the airport owner should discuss how often the tree(s) should be topped, the nuisance aspect for the landowner and the airport to repeatedly arrange for topping, the effect on the property for the land owner, and any other considerations.*